REMARKS

Claims 1-33 are pending in the application.

35 USC 112, First Paragraph Rejection

The Examiner rejected claims 1, 7, 9, 15, 22, 26 and 30 under 35 USC 112, first paragraph as allegedly failing to comply with the written description requirement. In particular, the Examiner alleged that the recited "a process server automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device" lacks support in the Applicants' originally filed disclosure. The Applicants respectfully disagree.

The Examiner goes on to reject the same claims, as discussed below, under 35 USC 112, second paragraph. The Examiner cites the Applicants' disclosure beginning at page 16, line 29 that discloses:

> While in this embodiment, the system **100** preferably identifies the caller between the first and the second ring, it will be appreciated that the system **100** can be configured to <u>not answer any incoming telephone calls to the first phone number</u>. Caller ID systems work by identifying the incoming call prior to the call being completed. <u>By not picking up the incoming call</u>, the system **100** can have a longer period of time to identify the caller. In telephony systems where airtime or other phone charges are only incurred when a telephone call is completed, the system **100** can thus have more time to identify the caller without actually having the caller incur telephone charges.

Moreover, the Examiner is directed to the paragraph following Applicants' paragraph cited by the Examiner at page 17, beginning at line 9 that discloses:

> Receiving a call to the system phone number **230** induces, in state **242**, the information retrieval system **100** and, in particular, the retrieval system computer **206** to contact the corresponding content server computer **204** at the corresponding location (URL) **228** via the communication medium **208** in a known manner and extract the indicated information **222** from the content server computer **204**. Once the information retrieval system **100** has extracted the information **222** from the content server computer **204**, the information retrieval system **100** sends, in state **244**, the information **222** to the recipient in accordance with the format **246** defined in the retrieval profile **224**. In this embodiment,

providing the information **222** to the recipient comprises sending a text message containing the information **222** to the recipient's mobile communication device **210** in a manner that will be described in greater detail below. In this embodiment, sending a text message to the recipient's mobile communication device **210** in state **244** does not incur airtime charges. Thus, both the request for information **222** of state **236** and the providing of the information **222** of state **244** incur no marginal costs to the recipient.

Thus, Applicants' specification as filed in the paragraph beginning at page 16, line 29 and continued at Applicants' paragraph beginning at page 17, line 9 discloses a process server/system/second device that obtains a callers identity by being configured "to not answer any incoming telephone calls to the first telephone number". As is described, and is probably familiar to the Examiner, caller identity, commonly called Caller ID, is transmitted to a callee telephone device between a first and second ring. Such caller identity information is obtained by the callee telephone device whether the call is subsequently answered or not. In the instant application, the caller identity is the only information required to obtain a caller's desired information. Thus, the process server/system/second device, e.g., a system 100 as described in Applicants' specification, performs its function by being configured "to not answer any incoming telephone calls to the first telephone number".

Applicants' specification as filed in the paragraph beginning at discloses 17, line 9 discloses the process server/system/second device, e.g., a system 100 as described in Applicants' specification, initiates the process server/system/second device to retrieve desired information and sending a text message with the desired information.

Thus, Applicants' originally filed disclosure discloses "a process server automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device" through identification of a caller without ever having to answer a call. The Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 7, 9, 15, 22, 26 and 30 under 35 USC 112, first paragraph.

35 USC 112, Second Paragraph Rejection

The Examiner rejected claims 1, 7, 9, 15, 22, 26 and 30 under 35 USC 112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner alleged that the recited "automatically providing information to a device/recipient without a process server/system/second device answering a call from a communication device" is not supported by Applicants' paragraph at page 16, line 29, as cited above, that allegedly teaches that the system can be configured to not answer an incoming call within a few rings to identify a caller and it is a well function for caller ID devices.

Although the Examiner's statement describing the Applicants' disclosure appears accurate, the Examiner has apparently failed to read the portion of Applicants' paragraph beginning at page 16, line 29 that discloses "it will be appreciated that the system **100** can be configured to not answer any incoming telephone calls to the first phone number". Thus, Applicants' system only requires a caller's identity to proceed in obtaining desired information for a caller, the caller identity can be obtained by not answer any incoming telephone calls to a first phone number.

Thus, the language of claims 1, 7, 9, 15, 22, 26 and 30 is fully supported by the Applicants' originally filed specification. The Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 7, 9, 15, 22, 26 and 30 under 35 USC 112, second paragraph.

Claims 1-16 and 19-33 over Pepe in view of O'Neal

In the Office Action, claims 1-16 and 19-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,742,668 to Pepe et al. ("Pepe") in view of U.S. Patent No. 6,243,444 to O'Neal ("O'Neal"). The Applicants respectfully traverse the rejection.

Claims 1-6 recite a method wherein in response to a telephone call and without a process server answering the telephone call from a recipient, the process server initiates a process whereby desired information is automatically provided to a recipient. Claims 7 and 8 recite a method of automatically providing an electronic mail message to a communications device after the communications device calls a first phone number and without a process server answering the call from a communications device. Claims 15, 16 and 19-21 recite detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information. Claims 22-33 recite a system and method relying on a second device to automatically respond to a call without the second device answering a call from a first device and to retrieve information, and a transmitter to transmit the information from the second device to a first device using a second telephone number. Thus, claims 1-16 and 19-33 recite automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device.

The Examiner argued in the Response to Arguments section of the Office Action that O'Neal teaches "In addition, the present invention has been characterized in terms the interception and service of calls to long-distance numbers that utilize real-time audio, i.e., voice, as a communications means. However, it is within the scope of the present invention to provide local interception and service of other forms of communications such as facsimile or other electronic text forms. Utilizing the efficiency of a data-centric network for

transfer of electronic information such as facsimile results in greater cost savings to a long-distance customer. In this case, a local POP may merely detect electronic signals (such as fax tones) from an originating device and automatically switch to voicemail message mode. Following this, the call is terminated the obtained data is transferred as a burst over the data-centric network." The Examiner alleged that O'Neal further teaches terminating the connection with a caller and automatically delivering the electronic file (voice message or other electronic text forms) over a data network to a recipient at col. 5, lines 36-42; col. 11, lines 38-67 and col. 4, lines 43-56.

The Examiner alleged that terminating a call does not necessarily mean the call is completed. Because if the call is completed or connected, there would be a charge and that is what O'Neal is trying to avoid as disclosed at Abstract, col. 5, lines 36-42, col. 10, lines 20-26 and col. 11, lines 54-65.

O'Neal's invention is directed toward a system and method of locally intercepting and servicing a long distance call. A call cannot be serviced unless a connection is made with a local telephone. The elimination of a charge is achieved **NOT** by never connecting a caller with a callee which would defeat the whole purpose of O'Neal's invention to service a call, but locally intercepting a long distance call and giving the caller an option to leave a voicemail for the callee (Abstract) or directing the contents of the call over a data-centric network, as disclosed in the passage stressed by the Examiner and reiterated above. Thus, **ALL** of O'Neal's embodiments connect a caller with a local-service provider. O'Neal could **NOT** give a caller an option to leave a voicemail or route a call over a data-centric network unless the call is answered at some point at a locally intercepted location.

Moreover, the Examiner alleged that terminating a call does not necessarily mean the call is completed. However, the issue is not if a call is competed but if a call is answered. To terminate a call a call must be answered. One cannot terminate an event that never takes place. The Examiner alleged that terminating a call does not necessarily mean the call is completed, however,

the Examiner failed to provide support for such an allegation. O'Neal that <u>locally intercepts</u> a call certainly does not support the Examiner contention.

The Office Action again acknowledged that Pepe fails to disclose "automatically providing information to a recipient **without a communication link being fully established** between a recipient and a server" (See Office Action, page 8). The Office Action relied on O'Neal to allegedly make up for the serious deficiencies in Pepe. The Applicants respectfully disagree.

The Examiner **AGAIN** acknowledged that O'Neal "teaches responding to a call....terminating the connection with the caller and automatically delivering the electronic file (voice message or other electronic text forms) over a data network to a recipient" at col. 5, lines 36-42, col. 11, lines 38-67 and col. 14, lines 43-56. However, as discussed above, one cannot <u>TERMINATE</u> a connection with a caller without <u>ESTABLISHING</u> a connection with a caller. Thus, the Examiner <u>ACKNOWLEDGES</u> that O'Neal discloses <u>ESTABLISHING</u> a connection with a caller, requiring a device to <u>FULLY</u> connect to a call. However, to more clearly recite that the recited "process server/system/second device" provides information without fully establishing a connection, claims 1-16 and 19-33 are amended herein to recite <u>automatically providing information to a device/recipient</u> **without a process** <u>server/system/second device</u> **answering a call** <u>to the process server/system/second device</u>. Thus, the Examiner <u>ACKNOWLEDGES</u> that O'Neal discloses a system <u>answering</u> a call and subsequently terminating the call <u>NOT</u> disclosing or suggesting a process server/system/second device performing any function **without answering a call** in response to a call, much less disclose or suggest <u>automatically</u> providing information to a device/recipient **without a** <u>process server/system/second device</u> **answering a call** <u>to the process server/system/second device</u>, as recited by claims 1-16 and 19-33.

As pointed out in Applicants' previous Amendment, O'Neal gives a caller an <u>option</u> to record a voicemail message that is transmitted to a recipient via a data-centric network instead of completing a long-distance call (Abstract). A long-distance call is locally intercepted, thereby giving a caller the opportunity

to send a voicemail message rather than completing the long-distance call (See O'Neal, col. 10, lines 20-26). By the Examiner's own acknowledgement, O'Neal discloses intercepting and servicing long-distance calls prior to incurring charges at col. 5, lines 36-42, col. 10, lines 20-26 and col. 11, lines 54-65 (See Office Action, page 6). O'Neal gives a caller an <u>option</u> to record a voicemail instead of completing a long-distance call. However, conventionally, to leave a voicemail a voicemail system **must ANSWER a call** to record the voicemail. O'Neal fails to disclose or suggest a process server/system/second device performing any function **without answering a call** in response to a call, much less disclose or suggest <u>automatically</u> providing information to a device/recipient **without a process server/system/second device answering a call** to the process server/system/second device, as recited by claims 1-16 and 19-33.

Moreover, the Examiner again failed to refute the fact that Pepe is directed to a system and method of remotely controlling the receipt and delivery of wireless and wireline <u>electronic text messages</u> (See Abstract). O'Neal's system and method sending a voicemail from a caller to a recipient, saving toll charges. However, Pepe's uses a **DIGITAL NETWORK** to send text messages that **NEVER** relies on making a <u>call</u>, much less on long-distance service. Thus, intercepting and servicing Pepe's digital network that **NEVER** answers a call in the first place is **nonsensical**. Applicants traverse the Official Action as incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.").

Thus, even if it were obvious to modify Pepe with the disclosure of O'Neal, which it is not since the two inventions are completely unrelated to their solutions to completely unrelated problems in their respective arts, the theoretically modified Pepe would <u>STILL</u> fail to disclose or suggest a process server/system/second device performing any function **without answering a call** in response to a call, much less disclose or suggest <u>automatically</u> providing information to a device/recipient **without a process server/system/second device**

answering a call to the process server/system/second device, as recited by claims 1-16 and 19-33.

A benefit of <u>automatically</u> providing information to a device/recipient **without** <u>a process server/system/second device</u> **answering a call** <u>to the process server/system/second device</u> is, e.g., saving of toll minutes. Conventionally, an information source that is called by a party calling to retrieve information answers an incoming call, retrieves the desired information and sends the desired information to the calling party. This conventional method of retrieving information requires that an <u>active connection</u> be established between the information source and the calling party. An <u>active connection</u> can be costly with a communication system that charges for each minute the connection remains active, such as a cellular telephone. Therefore, being able to <u>access information</u> from an information source **without** <u>a process server/system/second device</u> **answering a call** <u>to the process server/system/second device</u> saves toll charges. The cited prior art fails to disclose or suggest the claimed features of <u>automatically</u> providing information to a device/recipient **without** <u>a process server/system/second device</u> **answering a call** <u>to the process server/system/second device</u>.

Accordingly, for at least all the above reasons, claims 1-16 and 19-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 17 and 18 over Pepe in view of O'Neal and Yeh

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Pepe in view of O'Neal, and further in view of U.S. Patent Publication No. 2004/0162747 to Yeh et al. ("Yeh"). The Applicants respectfully traverse the rejection.

Claims 17 and 18 are dependent on claim 15, and are allowable for at least the same reasons as claim 15.

Claims 17 and 18 recite detecting a first communications device identifier when a first communications device is used to contact a system <u>without</u>

the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information.

As discussed above, Pepe in view of O'Neal fails to disclose or suggest detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

The Office Action acknowledges that Pepe in view of O'Neal fails to disclose designating a selected stock quotation to be transmitted to a first communication device (See Office Action, page 16). However, it is an automatic transmission of such information without a system answering a call from a communications device that is being claimed by claims 17 and 18. Yeh fails to mention anything occurs without answering a call, much less disclose or suggest an automatic transmission of such information without a system answering a call from a communications device, as recited by claims 17 and 18.

Thus, even it were obvious to modify Pepe with the disclosure of O'Neal and Yeh, the theoretical result would be a conventional **answering of an incoming call**, i.e., going off-hook, to allow a caller to leave a voicemail message, the voicemail message being relayed to a designated recipient. Pepe in view of O'Neal and Yeh would fail to disclose or suggest detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

Accordingly, for at least all the above reasons, claims 17 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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